UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.242
8 November 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

SUMMARY RECORD OF THE 242nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 November 1995, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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GE.95-19365 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Ukraine (continued) (CRC/C/8/Add.10/Rev.1) (CRC/C/10/WP.3)

1. At the invitation of the Chairperson, Mrs. Grygorovytch and Mr. Shamshur (Ukraine) took places at the Committee table.

2. Mrs. GRYGOROVYTCH (Ukraine) said that the question of deferring punishment for children would be determined by the courts, which tended to avoid detaining minors wherever possible. Recent legislation had also set up bodies to look at juvenile crime. Moving such issues from the Home Department to the Education Department would certainly help improve the situation. Too strict an approach to discipline would not be appropriate and would be looked at in future in revising the system.

3. Mr. SHAMSHUR (Ukraine) said that the Government was aware of its moral obligations towards refugees and was providing every possible assistance, in particular to those displaced by the conflicts in Moldova, with special attention being given to children, and also recently to refugees displaced by the situation in Chechnya. In order to fulfil its obligations, the Government had adopted a law on refugees, had created the appropriate organs and had established an official status for refugees. It was, however, constrained by the socio-economic situation, and that was why Ukraine had not yet acceded to the Convention and the Protocol relating to the Status of Refugees. Before its accession, it would like to implement the relevant measures to the fullest extent possible.

Concluding observations

4. Miss MASON said that she appreciated the problems which had been caused by the socio-economic situation in Ukraine, which had been exacerbated by the Chernobyl disaster and which had had a negative impact on children and the implementation of the Convention. By ratifying the Convention, however, the Government had undertaken to implement all appropriate measures. The Committee welcomed the fact that the Government had recognized its legislative shortcomings and was revising its laws accordingly.

The meeting was suspended at 3.20 and resumed at 3.40 p.m.

5. Mr. KOLOSOV said that it might be useful for the Government to set up a department on children's problems rather than dealing with those problems in a variety of different departments. An overly centralized approach, on the other hand, would be too heavy a load. The Committee was concerned at the high infant mortality rate and at the problem of street children, which were still in the early stages in Ukraine, but the spread of which should be prevented. Consistency was also needed in government policy on children. Furthermore, children must be represented in local human rights committees.

6. The Committee was concerned that the Ukrainian Government's replies had consisted largely of facts on legislation. It would have preferred information on the real situation. It was also concerned that legislation on

children's rights had not been completed. Particular attention should be paid to low-income and single-parent families, particularly during the transition period. Public awareness campaigns on the Convention and work to ensure respect for the rights of children should be ongoing and systematic and part of a national policy and educational programmes, starting in the early years of schooling. The Convention should be studied by all professional groups working with children, including doctors, social workers and health workers. The Committee's recommendations should be discussed in Parliament at regular annual hearings.

7. The Committee was also concerned that family planning was not being given sufficient attention and that primary health care needed improvement. The number of abortions should be reduced. Solid statistics on the economic and social situation of children were needed. The children's rights policy should focus on preventive measures. More information and more attention should also be given to work on sexual abuse and, in that regard, impartial judges were needed. Greater attention should be paid to the major principles of the Convention, namely, the right to life and the right to development, non-discrimination, the best interests of the child and the right of the child to express his views on decisions which might affect him.

8. The Committee recommended that the Government should formulate an action plan on children to the year 2000 to be annexed to its next periodic report. Such a plan should be made accessible to the public and to those who worked with children. A strategy should be drafted to assist families and parents in order to prevent divorce and the abandonment of children. Material assistance to the homeless was not very substantial and perhaps the budget allocations could be reviewed and savings effected elsewhere.

9. Cruel and inhuman forms of punishment and torture must be prohibited and the system of individual justice should be reorganized. An independent body should be set up to which children could direct complaints and further efforts should be made to provide medical care for rural areas. The fund for needy children did not replace government budget allocations, as it was the Government, and not social funds, that was responsible for that area. The Convention must be available in languages other than Ukrainian. Ecology was also of concern to the Committee. The Government should look into whether it could become a party to the 1993 Hague Convention. The Committee disagreed as to the distinction made in Ukrainian legislation between the marriageable age of boys and girls, which should be the same. It wished to know the reason for the different ages.

10. Mrs. GRYGOROVYTCH (Ukraine) said that her Government would do everything possible to give publicity to the concluding observations of the Committee. All countries in transition were seeking ways and means to improve the standard of living of their populations, especially children. The only way to do that was to strengthen the democratic basis of society and, in that regard, the Charter of the Council of Europe was an important example.

11. Mrs. Grygorovytch and Mr. Shamshur (Ukraine) withdrew.

The meeting was suspended at 4.10 p.m. and resumed at 4.20 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 7) (continued)

12. The CHAIRPERSON, describing the role played by the Centre for Human Rights and the Committee on the Rights of the Child at the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, said that the Committee had been represented by herself and by Mrs. Eufemio, who had participated in the two panels organized by the Centre for Human Rights. At the first panel, Mrs. Eufemio had submitted a paper on the role of the family in ensuring equality of rights between boys and girls and she herself had presented a paper on the role of the Committee on the Rights of the Child in promoting that equality.

13. The main theme of the first panel had been the incorporation of gender into the human rights activities of the United Nations system, while the second panel, at which communications had been submitted by several committees, had focused on violence against women.

14. At those panels, the United Nations High Commissioner for Human Rights had introduced a petition on the implementation of the Vienna Plan of Action and its follow-up in relation to the Beijing Conference.

15. The Committee's representatives had also taken part in other panels, such as that organized by UNICEF on the rights of the girl child, at which she had made a contribution on the complementarity between the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. She had also attended a panel organized by UNESCO on the occasion of International Literacy Day and a panel organized by the United Nations Fund for Population Activities.

16. At the Conference, the High Commissioner for Human Rights had made an official statement, a copy of which had been distributed to the members of the Committee and which had been based on the results of the Expert Group Meeting on the Integration of Gender Perspectives into Human Rights Activities.

17. At the two panels in which they had participated, the representatives of the Committee had explained the recommendations made by the Committee during the general discussion it had organized on the rights of the girl child. The impact of the Committee's contribution had been to develop awareness of the Convention on the Rights of the Child and of the role of the Committee, in conjunction with the Committee on the Elimination of Discrimination against Women, in the follow-up to the Beijing Conference.

18. As the members of the Committee were aware, the discussion on the elimination of the brackets from the text of the Beijing Declaration and Platform for Action had been extremely arduous, particularly where references to the Convention on the Rights of the Child were concerned. Thanks to the efforts of the Centre for Human Rights, the contacts which she and Mrs. Eufemio had established and the work done by the Committee on the Elimination of Discrimination against Women and UNICEF, it had been possible to convince Governments of the need to remove the brackets from all references to the Convention on the Rights of the Child, the Committee on the Rights of the Child and the family. The Conference had recognized the valuable support

the Convention on the Rights of the Child could give to the Convention on the Elimination of All Forms of Discrimination against Women and the role of the Committee on the Rights of the Child in following up the Beijing Platform for Action, which was, moreover, the first United Nations plan of action to incorporate a specific chapter on the girl child.

19. It was now the Committee's task to determine how it could tangibly incorporate gender issues into its work and, in particular, into the preparation of lists of issues to be taken up in connection with country reports and in the preparation of its future guidelines for periodic reports.

20. Mrs. SARDENBERG said that she had taken part on behalf of the Committee in the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into Human Rights Activities and Programmes, organized from 3 to 7 July 1995 by the Centre for Human Rights and the United Nations Development Fund for Women (UNIFEM).

21. The report of the Expert Group Meeting had been submitted through the United Nations High Commissioner for Human Rights to the relevant United Nations human rights bodies as a contribution to the formulation of concrete guidelines for the incorporation of gender perspectives into their work and in order to assist them in developing gender-sensitive methodologies specific to their own mandates and areas of activity. It recognized that, although the principle of non-discrimination was one of the purposes of the United Nations, there had been historic neglect of women's human rights by the international treaty bodies.

22. As a treaty body, the Committee had a key role to play in the process of protecting the rights of all persons, without distinction, in accordance with the Charter of the United Nations. Although the Vienna Declaration and Programme of Action had been adopted by the World Conference on Human Rights in 1993, it had taken almost three years for guidelines for the incorporation of the human rights of women into the United Nations system to be discussed.

23. The report of the Expert Group Meeting made an interesting contribution to the interpretation of gender perspectives and, in particular, to the role of society in constructing the gender of individuals. Despite the different ways in which different cultures constructed gender, the process invariably operated to the detriment of women and girls and permeated all institutions, thus making the issue of gender bias a political and an institutional one. While the social construction of gender roles would always exist, the challenge was to ensure that it was fair to both sexes.

24. The report focused on the working methods and procedures of the treaty bodies, the reporting process, the development and application of minimum standards and the determination of State accountability and responsibility for violations of the human rights of women. With regard to working methods and procedures, the report recommended that the treaty bodies should more fully integrate gender perspectives into their working methods, reporting guidelines and general comments and that they should coordinate their efforts to incorporate gender perspectives, especially in areas of common concern such as family life. The Chairpersons of treaty bodies were urged to reaffirm the recommendation they had adopted at their 1994 meeting in order to encourage

the provision of data to the treaty bodies on the situation of women. In relation to the reporting process, one recommendation was that, when preparing for the consideration of reports by States parties, the treaty bodies should, in particular, collect gender-disaggregated data from United Nations agencies and non-governmental organizations. It was also recommended that the treaty bodies should emphasize the importance of gender perspectives and underscore the extent to which failure to address that issue constituted a violation of treaty obligations.

25. The next stage in the process would be a meeting to be held in 18 months, by which time the United Nations human rights treaty bodies and mechanisms should have reacted to the guidelines contained in the report. It had been suggested that the treaty bodies should revise the text of the treaties themselves to bring them into line with the wording and purposes of the guidelines.

26. Mrs. BLUM (World Federation of Methodist Women) emphasized the need to change not only gender structures, but also social attitudes towards the roles of men and women. With regard to the Beijing Conference, two elements of particular importance to the Committee had been the compromises reached on the need to preserve the rights of parents and the rights of children; and on the question of the equal right of girls to inherit. The latter compromise referred to equal rights to inherit, but not to the right to equal inheritance, thus complying with the wishes of the Islamic countries, which had been concerned about the additional financial burden borne by boys, who were required to take care of their sisters. The Conference had been an enormous step forward and had been characterized by the deep sense of commitment of both non-governmental organizations and Governments and the spirit of cooperation shown by all.

27. Mrs. KLEIN (Representative of the Secretary-General) said that, when the representatives of the Centre for Human Rights and the Office of the High Commissioner for Human Rights had arrived in Beijing, they had been extremely apprehensive in view of the large number of brackets which the Preparatory Committee had included in the text of the Declaration and Platform for Action. The brackets related to elements such as the principle of universality, equality and the unconditional application of human rights, recognition for which had been regarded as having been achieved at the Vienna World Conference on Human Rights.

28. The High Commissioner for Human Rights had held discussions with Governments and NGOs and had submitted what he had described as a non-paper, stating his concerns and urging Governments to adhere to what had been achieved in Vienna, in particular with regard to the rights of the girl child. The non-paper had been brought to the attention of delegations in the working groups of the main committee of the Conference working on human rights issues. Thanks to the excellent cooperation between the Centre for Human Rights and the Office of the High Commissioner for Human Rights and non-governmental organizations and Government delegations, the Beijing Conference had, in the end, produced a very satisfactory document. The Beijing Declaration and Platform for Action had fulfilled the desire expressed in Vienna that women's rights should be integrated into the mainstream of human rights and had taken

the necessary further steps in that direction. The Centre for Human Rights and the Office of the High Commissioner for Human Rights were now starting work on a lengthy programme of implementation in order to make that desire a reality.

29. Although the report of the Expert Group Meeting on the Development of Guidelines for the Integration of Gender Perspectives into Human Rights Activities and Programmes had not been available, for technical reasons, as an official document in Beijing, all delegations had received a copy, as had the persons chairing human rights treaty bodies, who had held their sixth meeting immediately after the Beijing Conference. The Chairpersons had incorporated the recommendations of the Expert Group into their report.

30. She informed the Committee that the final text of the Beijing Declaration and Platform for Action should be ready by mid-November and would be distributed as soon as it became available.

31. The CHAIRPERSON thanked Mrs. Klein for the information she had provided. United Nations bodies had done much to encourage women parliamentarians and women representatives of non-governmental organizations to participate in the Beijing Conference as members of delegations; once they had obtained official status, it had been easier for them to make contributions. That was the first time that girls had participated in a world conference of that kind. They had taken part in discussions in a number of panels, such as that organized by UNICEF, and had made their own recommendations.

32. Mrs. SANTOS PAIS asked that a document summarizing the information just provided on the Beijing Conference should be prepared and included in the Committee's report.

33. Mrs. GRANT (One World Productions) said that her experience at the Conference had been that young people had not in fact been given the opportunity to play a very active role. She had also been distressed to note that many women parliamentarians appeared to have very little knowledge of the Convention.

34. Mrs. BLUM (World Federation of Methodist Women) pointed out that a workshop had been held during the Conference on the subject of the girl child, entitled "Girls at risk", at which Mrs. Badran had been one of the main speakers. The workshop had dealt with many of the most flagrant violations of the rights of girl children, including sexual exploitation, trafficking, slavery and child labour. Speakers had repeatedly referred to the Convention as an instrument which should be used to combat such abuses. Although young people had not participated directly in the Conference, they had played a very active part as a caucus outside it.

35. The CHAIRPERSON, referring to the lack of knowledge of the Convention among parliamentarians, said that, in the African region, women parliamentarians had been very active in pressing for measures to be taken to protect girl children in accordance with the provisions of the Convention.

36. She invited the male members of the Committee to express their views on the Conference, since it should also be of concern to them. In fact, men participants had also made a contribution to the Conference, although it was regrettable that a minority among them had taken a negative stance, for instance by opposing equality for women in such matters as inheritance on religious grounds.

37. Mrs. SANTOS PAIS said that, now that women's rights had been recognized as inherent in the rights of the human person, both men and women should be involved in promoting them. Women's rights should no longer be seen as a purely feminist issue. She suggested that, at the next World Conference on Women, men and women should have equal representation.

38. Mrs. BLUM (World Federation of Methodist Women) said she agreed with the Chairperson that the religious aspect of some of the contributions to the Conference had been contentious. Her organization had been concerned from the beginning that the religious element in the draft Platform for Action had been very negative and seen only in terms of extremism and fundamentalism. It had therefore submitted a paper arguing that, while religion played an important role in the lives of both men and women all over the world, it should never be used as a pretext for violating women's rights. That paper had received support both from Catholic groups and from moderate Islamic groups and the ideas it contained had been incorporated in the Conference's final conclusions.

39. The CHAIRPERSON said all were aware that Islamic extremism was currently exerting a considerable influence on events in many countries. On the other hand, delegates of States where the religion was that of Islam, but where the Government played only a lay role, had been an important force for moderation at the Conference. She suggested that further research should be undertaken on the issue, along the lines of the study already made by UNICEF on the rights of the child in Islam.

40. At a recent subregional conference on the implementation of the Convention held in East Africa, an authority on the Islamic religion had quoted all the verses from the Koran which were relevant to the rights of the child, a contribution which had been of great value for participants. Knowledge of the precepts of the Koran in the matter could be very useful when urging Governments which invoked religious criteria in support of discriminatory practices to interpret those precepts in a more liberal way.

41. Mrs. KARP noted that, on the one hand, it was argued that women's rights were only part of human rights in general and, on the other, that the rights of the child and of the girl child, in particular, were an entirely separate issue. She feared that, to focus attention on the rights of the girl child, seen merely as one aspect of the rights of women, might lead to fragmentation of efforts being made on behalf of the rights of children in general.

42. Mrs. BLUM (World Federation of Methodist Women) said that that view had been shared by a number of women's organizations at the Conference, which had objected to the issue of women's rights being identified with the issue of the rights of the child. Others, however, had taken the view that, because the girls of today were the women of tomorrow, their problems would have to be

addressed specifically if the status of women was to be advanced. Of course, the rights of girl children were an integral part of universal human rights and it would serve no purpose to make comparisons between one category and another. It was because the debate on human rights over the past 50 years had overlooked the rights of women and, in particular, the rights of the girl child that that issue now needed to be highlighted.

43. In many cases, Governments set up programmes for boys and not for girls. They established vocational centres for training boys in fields such as mechanics and woodworking. When training centres for girls existed, their programmes offered training in areas such as sewing, embroidery or cooking. That was clearly a discriminatory situation.

44. Discrimination also took place even before birth, and that was a serious problem in many countries in Africa and Asia. For instance, many women actually tried to find out the sex of the child before it was born and, if they discovered that it was a girl, they had an abortion. In the case of some girl children, the families had decided who they would marry even before they were born.

45. The fact that there was a special chapter on girls in the Beijing Platform for Action was forward-looking, since measures had to be taken to prevent discrimination so that the position of women in general would be improved. Such measures had to begin at the grass-roots level.

46. Mrs. SANTOS PAIS noted that it had taken some time for women's associations to feel that they were in the same battle when they fought for children's rights and girls' rights. Human rights for women were not meaningful only when they were adults. Their lives were shaped by anticipation during their childhood and, when they became adults, it was recognized that they lived in a vicious circle of exploitation and lack of respect for their fundamental rights. However, that situation could not be changed because they themselves were not prepared to be the main actors for the change. Only if a start was made by a younger generation would it be possible to break that vicious circle. Universality could be true only when all its parts were respected.

47. Mrs. EUFEMIO said that the first six years of life were believed to be the most important in the life cycle because the socialization of the person started in childhood and went on into adulthood. That was one of the reasons for placing as much emphasis on the rights of the girl child as on those of women.

The meeting rose at 5.30 p.m.